

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
June 24, 2008**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Aveni (alt. for Aufuldish), Brotzman, Franz (Alt. for Schaedlich), Morse, Siegel, Smith (alt. for R. Sines), Zondag, and Ms. Hausch. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

MINUTES

Mr. Adams moved and Mr. Smith seconded the motion to approve the May 27, 2008 minutes as submitted.

Six voted "Aye".
Mr. Franz abstained.

FINANCIAL REPORT

Ms. Hausch moved and Mr. Smith seconded the motion to approve the May, 2008 Financial Report as submitted.

Seven voted "Aye".

Mr. Brotzman arrived.

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. Condon reported on the request for an opinion by the Commission as to the need to post the position or register with the State if they were to hire someone into the Director position or promote from within. His superior, Dale Kondas, Chief of the Civil Division had stated to him that this should be researched when the circumstances are decided, not on a hypothetical basis.

DIRECTOR'S REPORT

Mr. Webster gave the following update on the comprehensive and technical planning being done in the office:

- North Perry Village Comprehensive Plan update is ready to be released.
- Madison Township Comprehensive Plan and Rt. 20 Corridor Plan are approximately a couple months away. He ensured the Commission that they will receive sections of the final draft as they become available.
- Madison Village Comprehensive Plan is still in process.
- The Fairport Harbor architectural review contract has been signed. The work should commence after July 1st and is to be done in three months. Exterior commercial, multi-family and some single-family regulations will be discussed.
- Eastlake would like us to combine a number of plans they have done in the past into one document. Chagrin Watershed Partners will pay us \$3,000 for this to be done by January, 2009. This contract will need to be approved by the Commission.
- The first Perry Township Lane Road Corridor meeting will be held at 10:00 a.m. Monday, June 30 at Town Hall.

Mr. Aveni arrived.

ANNOUNCEMENTS

Jackson Street Realignment

Mr. Webster announced that Mr. Radachy had attended a public informational meeting

concerning the Jackson Street Realignment in Painesville City and Township was held on June 17, 2008. A handout concerning an alternative realignment connecting the Renaissance Parkway and Jackson Street to the new SR 44 interchange was distributed. No estimated costs were given. Construction of the SR 44 interchange is anticipated to begin in 2013 and Jackson Street to begin in 2015. This project is being handled by the County Engineer, City of Painesville and Painesville Township.

Nursery Growers Summer Field Day

Summer Field Day is being sponsored by the Nursery Growers of Lake County Ohio, Inc. and hosted by Herman Losely and Son, Inc. on Tuesday, August 12 from 9:00 a.m. to 4:00 p.m. with a registration cost of \$16 paid in advance and \$20 at the door.

APA Audio Conference

A "Planning Law Review" APA Audio Conference will be held tomorrow, June 25, 2008 at 4:00 to 5:30 p.m. in the Planning Commission library at no charge.

NE Ohio Planning & Zoning Workshop

Mr. Radachy stated there were approximately 140 people who attended the workshop. There were mostly positive responses in the evaluations.

SUBDIVISION REVIEW

Mr. Radachy stated there were not any subdivision submittals this month. Some developers are trying to get their subdivisions put into maintenance and get their plats filed.

LAND USE AND ZONING REVIEW

No land use and zoning cases were submitted this month.

REPORTS OF SPECIAL COMMITTEES

Lake County Coastal Plan Committee Art Contest

Mr. Webster brought attention to the nine paintings and drawings on display. The Committee felt the Lake County Coastal Development Plan had not included the desires and ideas from the youth in the area. Mr. Boyd and Mr. Webster attempted to rectify this on the behalf of the Committee. While attending a Lake County High School Principals Association meeting, they suggested sponsoring a coastal amenities art contest to include the high school students. Two schools chose to participate in the project. The Committee and staff voted on the four categories chosen by Principal William Fisher of Madison High School. These were best painting, best drawing, best illustrated and best concept. There will be an award given to the winners and certificates of appreciation given to all the participants. We are seeking permission to display these on the wall in the hallway across from the past commissioners' pictures at the Administration Building.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

North Perry Village Comprehensive Plan Update - Final Draft

Mr. Webster reported the changes recommended by Ms. Pesec were made and discussed with North Perry Village's Comprehensive Plan Committee. It will now go to the Village's Council and Planning Commission.

Mr. Adams moved to approve the release of the North Perry Village Comprehensive Plan update and Ms. Hausch seconded the motion.

All voted "Aye".

Subdivision Regulations Public Hearing Scheduled

Mr. Radachy explained that the changes to the Lake County Subdivision Regulations are mostly housekeeping items, i.e. removing language that is outdated. These changes include referencing other county agencies that have their own standards, adding common access driveway language, and adding new language in Article IV stating a proposed common access driveway must follow the Lake County agency standards that are listed in Article III. Also, an addition was proposed to Article I, Section 4K, General Requirements stating the developer shall

dedicate to public use all land within the right-of-way of all public roads within a subdivision.

The next step is to submit these changes to the Prosecutor's office with any suggestions the Commission makes. A public hearing was suggested for August after checking with Mr. Condon to see if there was enough time for the Prosecutor to review it.

Mr. Morse moved to set a Public Hearing for the Lake County Subdivision Regulation changes listed above on August 26th. Mr. Smith seconded the motion.

All voted "Aye".

Mr. Radachy asked for permission to make any minor changes necessary suggested by the members along with whatever issues the Prosecutor may have. It was the consensus to agree to this request.

Mr. Adams made a suggestion to add language to the sentence concerning minimizing adverse impacts that says, "...and preserve the property owners' investment" in Article IV, Design Standards, Section 1A, General Purpose. He suggested this because the Commission had previously mentioned trying to do something to protect the property owners' investment in their property, such as with the water issue in Perry Township.

Mr. Aveni asked if this language had been provided to any representatives of the development community for feedback as has been done in the past and Mr. Radachy said this was not done. The changes had not been submitted to the Homebuilders Association or the surveyor community. It was the consensus that this should be done.

Mr. Brotzman asked that the members be notified of any major issues that develop in the review processes mentioned above. It was the consensus to include all the members if this situation occurs.

Mr. Siegel said they would still have the opportunity to discuss things in the July meeting prior to the public hearing.

Mr. Franz asked to be included in this notification and it was agreed.

Mr. Brotzman referred to Mr. Adam's request to add a statement about preserving the property owners' investment and stated, when this body was looking at rezoning the Green Farm property to permit Wal-Mart to come in, there were many meetings and much input from people from agencies but there are now serious salt issues. We recommended that the zoning should not be changed and were unable to change the outcome. We can only recommend and have no way to enforce this statement.

Roemer Nursery

Mr. Zondag stated a serious salt contamination of the groundwater on the land at the Roemer Nursery water supply north of Wal-Mart has not been addressed because the point source is unknown. Currently, no government agency has chosen or offered their assistance to help rectify this situation. Wal-Mart will not give permission for someone to go on their land to find the source. Even with all the assurances of all the agencies involved that they would ensure to keep the quality of the water good, the groundwater is now contaminated and the nursery is looking at possibly going out of business.

Mr. Condon said this is where a lawsuit comes in. To address Mr. Adam's suggestion, he thought you might be able to add "when possible" to the language. He then thought everyone would say, "It is possible, so just do it." In the second line of General Purpose, it says one of the purposes is to minimize adverse impacts. He thought this would do fine as stated because it addresses the problem and the word "minimize" is accurate language to be used.

Chairman Siegel pointed out that this Commission has no authority in this particular situation.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Hausch moved and Mr. Franz seconded the motion to adjourn the meeting.

All voted “Aye”.

The meeting adjourned at 8:00 p.m.

Walter R. Siegel, Chairman

Darrell C. Webster, Director/Secretary